

‘Moving Towards Open Standards’

Anne Fitzgerald and Kylie Pappalardo

The regulatory framework for the development and adoption of standards is complex and poorly understood. Intellectual property (IP) issues arise, for example where patented technologies are included in a standard or a standards setting organisation (SSO) claims (and enforces) copyright in the documented specifications of its standards. While there is increasing interest in open standards, there is no accepted definition of what an “open” standard is. Irrespective of the degree of openness of a standard, failure to understand and manage these IP issues will impede the development and adoption of open standards. Professor Anne Fitzgerald and Kylie Pappalardo will discuss some of the IP issues that arise in relation to standards and how they can be managed to support the development and adoption of open standards. As part of this presentation, the concepts of open source and open systems, and their relationship to open standards, will also be considered.